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IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

No. 1319

HOMER BROOKS,
Petitioner,

v.

REVEREND JOHN RENTON HUNTER, ET AL.,
Respondents.

ON PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

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Homer Brooks presents his petition for a rehearing of this Court's Order dated June 12, 1967, denying the petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit, and in support thereof, respectfully shows:

GROUNDS FOR REHEARING

1. That since the filing of the original suit below your Petitioners received a letter on or about September 15, 1966, removing hom from the Assemblies of God Liberal Arts College (Evangel College) from the College Council without proper notice and without charges, merely stating his removal based on his removal from his local church membership, where he and his wife have been members since early 1943, and where he had been a Trustee-Deacon since early 1946.

2. That he has been illegally removed from the Board of Regents of Northeast Bible Institute since about August 1966, by the Potomac District Council of the Assemblies of God, there being no formal charges. Both 1 and 2 was done without regard to constitutional procedure and protection of civil and ecclesiastical rights and equal protection of the law.

3. That a similar case to that of the present one has been reported (5/24/67) by the Presbyterian Church stating:

> "Portland, Oregon – the highest court of the United Presbyterian Church of the U.S.A. yesterday (5/23/67) overruled the action of the Washington, D.C., Presbytery and the Chesapeake synod in ordering the closing of Faith United Presbyterian Church in Washington, and ending the pastorate there on the Rev. Benjamin H. Craig. None of the basic constitutional requirements was fulfilled in this case, the court said, ruling that members of the church were not given proper notice, or time to prepare for a hearing on the matter or sufficient opportunity to be heard."

The church court reversed the closing order and ordered Rev. Craig restored as pastor. This, like Petitioner's case, the basic constitutional procedures were not followed.

4. One of the basic subsidiary questions Petitioner failed to raise in the original petition is: Whether or not Respondents may complain that Petitioner violated Rule 8 FRCP

when they themselves violated Rule 12 (a) FRCP, by their failure to respond "within 20 days", and when all respondents were in default? Petitioner believes the court below erred when it failed to consider this and other questions regarding "constitutional procedure."

5. Petitioner believes that to grant the writ no harm could be done to any of the parties and seldom, if ever, does a church case of this type reach this court for a ruling on constitutional rights of members, officers and Ministers.

6. Since the appointment to the Court of the Honorable Mr. Thurgood Marshall as an Associate Justice by the President, and since Mr. Marshall has for many years handled cases involving civil rights cases, Petitioner feels that the Court should allow him the opportunity of considering the petition for a rehearing on this and the original petition and to consider granting the writ.

CONCLUSION

For the foregoing reasons it is respectfully urged that this petition for a rehearing be granted, and that upon further consideration, writ of certiorari issued to the United States Court of Appeals for the District of Columbia Circuit.

Respectfully submitted,

HOMER BROOKS
Petitioner Pro Se